

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEMOND CHARLES BRACKETT,
Plaintiff,
v.
MATHEW CHRISTOPHER BENTLY,
Defendant.

No. 2:23-cv-02880-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. Nos. 2, 5, 10)

Plaintiff Demond Charles Brackett is a county jail inmate proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On December 19, 2023, the court ordered plaintiff to either file a completed application to proceed *in forma pauperis*, including a certified copy of his inmate trust account statement for the six month period immediately preceding the filing of the complaint, in order to proceed with this action. (Doc. No. 4.) The court provided plaintiff with thirty days to comply with that order. (*Id.* at 1.) Despite receiving an extension of time in which to do so, plaintiff did not file a completed application to proceed *in forma pauperis*, and the deadline in which to do so has passed.

Accordingly, on April 2, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to comply with the court's order and failure to prosecute this action. (Doc. No.

1 10.) The findings and recommendations were served upon plaintiff and contained notice that any
2 objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 1.) To date, no
3 objections have been filed, and the time in which to do so has now passed.

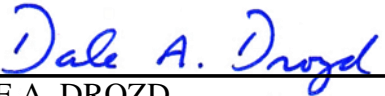
4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
6 pending findings and recommendations are supported by the record and proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on April 2, 2024 (Doc. No. 10) are
9 adopted in full;
- 10 2. This action is dismissed, without prejudice, due to plaintiff's failure to comply
11 with a court order and failure to prosecute; and
- 12 3. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: May 7, 2024

15 
16 _____
17 DALE A. DROZD
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28